

EXHIBIT 13

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

UNITED STATES OF AMERICA)
ex rel. Robert Reddell and)
Robert Hendrix,)
Plaintiffs,)
VS.) Civil Action No. 1:14CV86
DYNCORP INTERNATIONAL, LLC and)
DAMCO U.S.A., INC.,)
Defendants.)

ORAL AND VIDEOTAPED DEPOSITION OF
ADAM NICHOLAS
AUGUST 30, 2019

ORAL AND VIDEOTAPED DEPOSITION OF ADAM NICHOLAS,
produced as a witness at the instance of the Relators,
Robert Reddell and Robert Hendrix, and duly sworn, was
taken in the above-styled and numbered cause on the 30th
day of August, 2019, from 9:26 a.m. to 5:46 p.m., before
Trisha Myler, CSR in and for the State of Texas,
reported by machine shorthand, at the offices of Reed
Smith, L.L.P., 2501 North Harwood Street, Suite 1700,
Dallas, Texas 75201, pursuant to the Federal Rules of
Civil Procedure and the provisions stated on the record
or attached hereto.

1 A. Uh-huh. Coppell (pronouncing).

2 Q. Coppell (pronouncing)? Okay.

3 A. No. Coppell (pronouncing). You -- never mind.
4 Nobody says it right. Go ahead.

5 Q. Well, how do you say it?

6 A. It's Coppell (pronouncing).

7 Q. Okay. So if he was responsible for the QCC --
8 QCC in Coppell, would he also know about Dubai?

9 MR. ROBINSON: Objection to form.

10 A. I'm sure he would. He was pretty involved in
11 much of everything as far as customs went. But
12 generally speaking, he was preparing haz decs and things
13 of that nature to ship classified sensitive items out of
14 the United States into foreign countries, okay? We
15 didn't do a lot of that in Dubai.

16 Q. (BY MS. FRAZIER) Right.

17 A. Everything we processed in Dubai was just
18 stuff.

19 Q. Okay. So other than Darrell Coleman and Mike
20 Schreiner, anyone you can think of that would be most
21 knowledgeable about that at DynCorp?

22 MR. ROBINSON: Objection to form.

23 MR. SHEPHARD: Objection to form.

24 Q. (BY MS. FRAZIER) And by that --

25 (Reporter requests clarification)

1 Q. (BY MS. FRAZIER) And by that, I mean customs
2 and export documentation related to the Dubai QCC.

3 A. Carlo Echano -- he was the manager responsible
4 for operation -- and Jay Webb and Pete Dumas, maybe, if
5 he wasn't --

6 (Reporter requests clarification)

7 A. -- looking for a chicken biscuit. It's an
8 inside joke. Sorry.

9 Q. (BY MS. FRAZIER) Are you familiar with the
10 Federal Acquisition Regulations?

11 A. Yes.

12 Q. Okay.

13 A. The FAR, the DFAR, all of it, yeah.

14 Q. And when did you begin to be familiar with
15 those?

16 A. Oh, probably in December of two thousand -- or
17 '86.

18 Q. When you -- when you began your employment at
19 DynCorp, did you have any FAR compliance training at
20 that time at DynCorp?

21 MR. ROBINSON: Objection to form.

22 A. FAR compliance training?

23 Q. (BY MS. FRAZIER) Yes, sir.

24 A. No.

25 Q. Was there ever a time that you received FAR

1 compliance training during your employment at DynCorp?

2 A. No.

3 Q. Were you aware of any FAR compliance training
4 being available to DynCorp employees?

5 A. I believe FAR compliance training was available
6 to anybody that wants it.

7 Q. How do you mean?

8 A. Just what I said. It's a commercially
9 available item. It's available to anybody that wants
10 it.

11 Q. In other words, I can --

12 A. You can call up somebody.

13 Q. -- Google it?

14 A. Yeah, Google it, find you a consultant, pay
15 them a lot of money. They'll come and give you some FAR
16 compliance training.

17 Q. Okay.

18 A. So it's open to anybody.

19 Q. It was nothing that DynCorp was particularly
20 offering?

21 MR. ROBINSON: Objection to form.

22 A. We had a legal team. We interpreted the FAR.

23 They interpreted the FAR. The defense contract

24 management agency at Rock Island interpreted the FAR.

25 So we all interpreted it the same way. It's in plain

1 English. It's not a overly exertive task to be
2 compliant with the FAR. Again, it was written so anyone
3 can use it and be compliant. It's not rocket science.

4 The folks that worked in compliance, Mike
5 Schreiner, Darrell Coleman, all those folks, they had
6 every kind of certification out the wazoo you can think
7 of, and yet they went to training all the time. But I
8 did not. I did not sign customs documentation.

9 Q. (BY MS. FRAZIER) Well, I'm not just talking
10 about customs documentation, of course. That doesn't
11 change the rest of what you said, does it?

12 A. No, not at all.

13 MR. ROBINSON: Objection to form.

14 Q. (BY MS. FRAZIER) So I think you said that you
15 were -- you were located at the centers of excellence
16 starting in 2011, which was across the street from where
17 you had been at the Fort Worth airport?

18 A. Uh-huh.

19 Q. That's a yes?

20 A. Yes.

21 Q. And was that the -- was that the general office
22 for DynCorp in Fort Worth?

23 A. The programs were in the white building. The
24 headquarters building was in that building. The
25 headquarters staff was in that building.

1 Q. Okay. And you're talking about two buildings
2 that are across the parking lot from each other?

3 A. Yes.

4 Q. So -- and other than those two buildings,
5 there's not other Fort Worth offices for DynCorp at that
6 time?

7 A. No.

8 Q. And what floor were you on?

9 A. The second floor.

10 Q. In the second floor. Is that where supply
11 chain was located?

12 A. That's where my staff was -- my stateside staff
13 was, yes --

14 Q. Okay.

15 A. -- with the exception of the people in the
16 programs. Now, they didn't have a straight line
17 responsibility to me, but they were dotted line direct
18 reports of mine, because, again, I was providing the
19 processes and the people and the tools for them to do
20 their jobs.

21 Q. Okay. Well, let's talk about that --

22 A. 2800 of them, to be exact.

23 Q. And so you've talked about two different titles
24 that you had for two different periods. So let me
25 specify period. So it was May 2011 when you became

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REPORTER'S CERTIFICATE

ORAL AND VIDEOTAPED DEPOSITION OF ADAM NICHOLAS

AUGUST 30, 2019

I, Trisha Myler, Certified Shorthand Reporter in and
for the State of Texas, hereby certify to the following:

That the witness, ADAM NICHOLAS, was duly sworn by
the officer and that the transcript of the deposition is
a true record of the testimony given by the witness;

That the original deposition transcript was
delivered to Ms. Sarah M. Frazier;

That a copy of this certificate was served on all
parties and/or the witness shown herein on
September 16th, 2019.

I further certify that, pursuant to
FRCP No. 30(f)(i), that the signature of the deponent

1 was not requested by the deponent or a party before the
2 completion of the deposition;


3 That pursuant to information given to the deposition
4 officer at the time said testimony was taken, the
5 following includes counsel for all parties of record and
6 the amount of time used by each party at the time of the
7 deposition:

8 Mr. Michael W. Lockhart (00 hours 00 minutes)
Attorney for Plaintiff, United States of
9 America
10 Ms. Sarah M. Frazier (05 hours 00 minutes)
Attorney for Relators, Robert Reddell and
Robert Hendrix
11 Mr. Greg M. Dykeman (00 hours 00 minutes)
Attorney for Relators, Robert Reddell and
12 Robert Hendrix
13 Mr. Rick Robinson (00 hours 59 minutes)
Attorney for Defendant DynCorp International,
LLC
14 Mr. Richard G. Shephard, Jr. (00 hours 00 minutes)
Attorney for Defendant Damco U.S.A., Inc.
15 Ms. Rachelle Barstow (00 hours 00 minutes)
Attorney for Defendant Damco U.S.A., Inc.
16

17 I further certify that I am neither attorney or
18 counsel for, related to, nor employed by any parties to
19 the action in which this testimony is taken and,
20 further, that I am not a relative or employee of any
21 counsel employed by the parties hereto or financially
22 interested in the action.

23 SUBSCRIBED AND SWORN TO under my hand and seal of
24 office on this the 16th day of September, 2019.
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